IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1604 OF 2007

IN

SUIT NO.440 OF 2005

Ahmed Oomerbhoy (Ahmed Mills) .. Plaintiff.

Versus

M/s.Ahmed Oomerbhoy & Ors. .. Defendants.

And

Anwer S.Oomerbhoy & Ors. .. Respondents.

Mr.Sanjay Gawde i/b.Mr.A.G.Damle for plaintiff.

Mr.K.P.Anilkumar for defendant No.2.

Ms.Tasneem A.Saria i/b.S.K.Srivastav for defendant No.3.

Representative of Court Receiver-defendant No.8 present.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 3rd October, 2007.

P.C.:

1. Perused the Chamber Summons and the affidavit in support. The Chamber Summons has been filed to implead the heirs of the deceased defendant No.6, who has expired

as stated in the affidavit in support of the Chamber Summons on 30th April, 2006.

2. In the light of the liberal principles applied for consideration of such applications so also considering the law laid down by the Hon'ble Supreme Court in the case of **Gangadhar & Anr. v/s.Shri.Raj Kumar reported in AIR 1983 S.C.1202**, this Chamber Summons is allowed in terms of prayer clause (a). Amendment to be carried out within a period of two weeks from today. Amended copy of the plaint to be served on the newly added defendants within a period of 2 weeks from the date of carrying out the amendment. Written statement / additional written statement, if any, to be filed within a period of 6 weeks from the date of carrying out the amendment.

3. Chamber Summons is made absolute with no order as to costs.

(S.C.Dharmadhikari, J.)